



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 020-08

1155-1159 COAST VILLAGE ROAD

MODIFICATION AND TENTATIVE SUBDIVISION MAP

MARCH 12, 2008

APPLICATION OF JOSEPH CHENOWETH, AGENT FOR COSTA VILLA ASSOCIATES, LLP, 1155 - 1159 COAST VILLAGE ROAD, APN 009-291-006, C-1 LIMITED COMMERCIAL/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2007-00425)

The project consists of a proposal to convert the three existing commercial buildings into three commercial condominiums on an existing 18,140 square foot lot with 22 existing shared parking spaces. The three existing buildings total approximately 10,926 square feet of floor area.

The discretionary applications required for this project are:

1. A Modification to allow an existing trash enclosure to be enlarged by one-half a square foot in the required 10-foot front yard setback along Coast Village Circle. (SBMC §28.92.110.B and 28.63.060); and
2. A Tentative Subdivision Map for a one-lot subdivision to create three (3) commercial condominium units (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor of the application or in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, March 5, 2008.
2. Site Plans
3. Correspondence received in opposition to the project:

Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Approved the subject application making the following findings and determinations:

- A. Modification (SBMC § 28.92.026.A)

The modification will allow appropriate improvements to the non-conforming structures and yards without further expansion of the existing footprint of the encroachments which meets the purpose and intent of the ordinance.

B. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall submit an executed *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, prepared by the Engineering Division, which shall be recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on March 12, 2008 is limited to three commercial condominiums with common parking and landscape areas and the improvements shown on the Tentative Subdivision Map (Development Plan) signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner

that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. **Carports Available for Parking.** A covenant that includes a requirement that all carports be kept open and available for the parking of vehicles owned by the tenants of the property in the manner for which the carports were designed and permitted.
 - c. **No Parking Assignment.** All parking spaces, including the carport spaces shall be unassigned and shall be open and available to all users of the project site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
6. **Use Limitations.** Due to potential parking impacts, uses other than general office and retail are not permitted without further environmental and/or Staff Hearing Officer review and approval. The restriction of the uses allowed in the zone is expanded to exclude uses which have a higher parking demand than 1 parking space per every 250 sq. ft. of floor area, such as medical, dental and restaurant are prohibited. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.

B. **Public Works Requirements Prior to Parcel Map Recordation.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to recordation of the Parcel Map.

1. **Parcel Map Preparation.** Prior to City Council approval, the Owner shall submit a Parcel Map to the Public Works Department in a form acceptable for recordation. The Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with the current Subdivision Map Act and in conformance with the requirements of the City Survey Control Ordinance.
2. **Can and Will Serve Letters.** Obtain a "can and will serve" letter from Montecito Water District.
3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.

C. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.

Conditions on Plans/Signatures. The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

D. **Prior to Final Inspection of Physical Improvements for Condo Conversion.** Prior to Final Inspection of Physical Improvements for Condo Conversion, the Owner of the Real Property shall complete the following:

1. **Recordation of Map and Agreements.** Owner shall provide evidence of recordation of the Parcel Map to the Public Works Department.

2. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section A have been recorded, *prior to Final Inspection of Physical Improvements for Condo conversions.*

- E. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

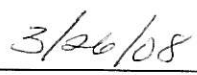
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

This motion was passed and adopted on the 12th day of March, 2008 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.

4. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
5. **NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:**

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.